



Djibouti

Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 31, 2003

Djibouti is a republic with a strong presidency and a weak but evolving legislature. In April 1999, the country elected its second president since gaining independence from France in 1977. Ismael Omar Guelleh, the candidate of the ruling People's Rally for Progress (RPP), won the election with 74 percent of the vote against opposition candidate Moussa Ahmed Idriss whose Unified Djiboutian Opposition Party (ODU) received 26 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the election. The ODU later challenged the results; however, international and locally based observers considered the election to be generally fair and cited only minor technical difficulties. Guelleh took the oath of office as President in May 1999, with the support of an alliance between the RPP and the government-recognized section of the Afar-led Front for the Restoration of Unity and Democracy (FRUD). The 1997 legislative elections, in which the ruling party coalition won all 65 seats, took place without international observers amid opposition claims of massive fraud. Legislative elections have not been held since that time. The judiciary was not independent of the executive.

The 8,000-member National Police Force (FNP) was responsible for internal security and border control and was under the control of the Ministry of Interior. The Ministry of Defense controlled the army. The Gendarmerie Nationale, a police force responsible for the President's security, was an autonomous unit under the Ministry of Defense. The President retained an elite Republican Guard, which was an independent unit of the Gendarmerie National. A small intelligence bureau reported directly to the President. Civilian authorities generally maintained effective control of the security forces, but there were instances in which the security forces acted independent of the Government's authority. Members of the security forces committed serious human rights abuses.

The country has little industry and few natural resources; its population was estimated at 650,000. Outside the capital city, the primary economic activity was nomadic subsistence. Citizens were free to pursue private business interests and to hold personal and real property. The part of the annual gross domestic product not generated by and for the foreign community, which included approximately 8,000 French citizens, was estimated at no more than \$250 (44,000 DF) per capita annually. Unusually low rainfall caused drought conditions that negatively affected some of the population. Much of the country's wealth was concentrated in the hands of a small elite.

The Government's human rights record remained poor, and serious problems remained. The RPP continued to control the political system and to suppress organized opposition. There was at least one report of the arbitrary or unlawful deprivation of life by the Government or its agents. There were credible reports that security forces beat, physically abused, and raped prisoners and detainees; however, unlike in previous years, there were no reports that security forces tortured detainees. Police beat protesters. The Government did not take steps to prosecute human rights abusers and official impunity was a problem. Prison conditions remained harsh. The Government continued to detain persons arbitrarily. Prolonged detention and incommunicado detention were problems. The judiciary was not independent of the executive and did not provide citizens' due process. The Government infringed on citizens' privacy rights. The Government restricted freedom of the press. The Government limited freedom of assembly, used force to disperse demonstrations and strikes, and restricted freedom of association. While the Government respected freedom of religion in general, it discouraged proselytizing. There were some limits on freedom of movement. The Government remained antagonistic to the formation of human rights groups. Violence and discrimination against women persisted, and, although the Government prohibited such practices, the practice of female genital mutilation (FGM) continued to be widespread. Discrimination on the basis of ethnicity, nationality, and clan background persisted. The Government restricted unions and harassed and intimidated their leaders. Child labor exists.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There was at least one report of the arbitrary or unlawful deprivation of life by the Government or its agents.

On April 18, members of the Presidential guard under the command of Captain Mohamed Djama fired on demobilized military pensioners protesting in front of the Presidential palace, killing one and injuring two others (see Section 2.b.).

Landmines laid by the Government and FRUD forces in the 1990's remained in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord. There were no confirmed reports of deaths due to landmines during the year. The Government continued efforts at demining and reports indicated that the country will soon be declared "mine safe."

No action was taken against the members of the security forces responsible for the following killings in 2001: The February police shooting of Mohamed Assa Ali; the February police shooting of Asari Mohamed Moussa; the June military killing of one inhabitant of Hol-Hol refugee camp.

No action was taken, nor was any likely, against the members of the security forces responsible for the following killings in 2000: The December killings of 9 persons during an attempted overthrow of the government; the October killing of a demonstrator; the June killing of Daher Guedi Fourreh, nephew of Moumin Bahdon Farah, the leader of the opposition party Groupe pour la Democratie et Republique (GDR).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there continued to be credible reports that police and gendarmes beat, physically abused, and raped prisoners and detainees. Unlike in previous years, there were no reports that security forces tortured detainees.

Police beat protestors while dispersing several demonstrations during the year (see Section 2.b.).

There was no action taken, nor was any likely, against members of the security forces responsible for the following actions in 2000: The police raping, beating, and stealing from the approximately 5,000 undocumented foreigners arrested and detained in December; the December injuring of 10 persons during a clash between police and Gendarmerie; and the October police shooting and injuring of several demonstrators.

There were no confirmed reports of injuries due to landmines during the year (see Section 1.a.).

Prison conditions were harsh, and overcrowding was severe. Gabode prison, built for 350 persons, at times housed nearly twice that number. The Government sometimes shortened prison terms to reduce overcrowding. The Ministry of Justice noted that many of the prisoners were illegal Ethiopian immigrants who have committed crimes in the country, but that the majority of the more than 400 prisoners in Gabode prison at year's end were citizens. Prisoners reportedly must pay authorities to obtain food or to receive food brought by family members. Several prisoners were reported to be suffering from untreated illnesses or gunshot wounds received during arrest. Medical care was inadequate, and the prison infirmary lacked sufficient medication and medical staff. There were no educational or rehabilitation facilities within the prison. The lack of funding hampered the ability of Ministry of Justice officials to improve conditions or provide even minimal services.

Women and men were detained in separate cells. Reports persisted that prison guards raped female inmates. Children of female inmates under the age of 5 sometimes were allowed to stay with their mothers; authorities said that milk was provided for the children. In principle juveniles were housed separately from adult prisoners; however, in practice this was not always the case. Pretrial detainees usually were not held separately from convicted prisoners due to the lack of facilities.

On July 18, former police chief Yacin Yalah Galab died, 5 weeks after being sentenced to 15 years imprisonment for his role in the failed 2000 coup attempt, amidst rumors that the Government had denied him access to necessary medical treatment (see Section 1.e.).

An International Committee of the Red Cross (ICRC) delegate from Kenya made quarterly visits to the main prison. During the year, the ICRC visited the detained police officers who were accused of plotting to overthrow the Government in December 2000 (see Section 1.d.). The president of the Djiboutian Human Rights League (LDDH) was granted permission to visit prisoners in Gabode Prison during the year.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention; however, the Government did not respect these prohibitions. The law stipulates that the State may not detain a person beyond 48 hours without an examining magistrate's formal charge. Detainees may be held another 24 hours with the prior approval of the public prosecutor. All persons, including those accused of political or national security offenses, must be tried within 8 months of arraignment; however, the police occasionally disregarded these procedures. Unlike in previous years, there were no reports that police used lengthy periods of detention without charge. Incommunicado detention was used. The law provides for bail and expeditious trial; however, 13 persons in detention since December 2000 for a failed coup attempt were not tried until June 16 (see Sections 1.c., 1.e., and 2.b.).

On April 3 Police detained 11 demonstrating high school students for 7 days without charge (see Section 2.b.).

Conditions at Nagad detention center, where Ethiopians and Somalis were held prior to deportation, also were extremely harsh. Detainees at Nagad were held in unsanitary conditions and often were not fed for several days before their deportation (see Section 2.d.).

The law prohibits forced exile; however, some released citizen prisoners were pressured to go overseas, most often to France.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary was not independent of the executive. Constitutional provisions for a fair trial were not respected universally, even in nonpolitical cases, because of interference from the executive branch. The Minister of Justice was responsible officially for human rights.

The judiciary, based on the French Napoleonic code, was composed of a lower court, appeals courts, and a Supreme Court. The Supreme Court can overrule decisions of the lower courts. Magistrates are appointed for life terms. The Constitutional Council rules on the constitutionality of laws, including those related to the protection of human rights and civil liberties; however, its rulings were not respected always.

The legal system is based on legislation and executive decrees, French codified law adopted at independence, Islamic law (Shari'a), and nomadic traditions. Urban crime was dealt with in the regular courts in accordance with French-inspired law and judicial practice. Civil actions may be brought in regular or traditional courts. Shari'a is restricted to civil and family matters. The Government promulgated a new law on judicial organization in 2000, which included the establishment of a National Committee for the Promotion and Protection of Human Rights and provided for the separation of the court system from the Ministry of Justice; however, the Government had not separated the court system from the Ministry of Justice by year's end.

Traditional law (Xeer) often was used in conflict resolution and victim compensation. For example, traditional law often stipulates that a blood price be paid to the victim's clan for crimes such as murder and rape.

The Constitution states that the accused is innocent until proven guilty and has the right to legal counsel and to be examined by a doctor if imprisoned. Although trials officially were public, in politically sensitive cases security measures effectively prevented public access. Legal counsel was supposed to be available to the indigent in criminal and civil matters; however, defendants often did not have legal representation. Court cases were heard in public before a presiding judge and two accompanying judges. The latter received assistance from two persons, lay assessors, who were not members of the bench, but who were considered to possess sufficient legal sophistication to comprehend court proceedings. The Government chose lay assessors from the public at large, but credible reports indicated that political and ethnic affiliations played a role in the selection.

In May the National Assembly approved a government-proposed political amnesty bill (see Section 3). In 2001 in honor of the holy month of Ramadan, 80 prisoners were granted amnesty.

On June 17, the court sentenced General Yacin Yaleh Galab, former chief of police, to 15 years imprisonment for his role in the failed coup attempt of December 2000. Eleven co-defendants received sentences of between 3 and 12 years. One co-defendant, Abounasser Awaleh Cheick, was acquitted of all charges. General Yacin, who had suffered from failing health for sometime, died 5 weeks after his sentencing amidst rumors that the Government had refused him adequate medical treatment.

On June 26, the Government announced a presidential pardon, which stipulated that all persons serving sentences of 1 year or less would be freed, all persons serving sentences of 2 to 5 years would have their sentences reduced by 6 months for every 1 year served, all persons serving sentences of 5 to 10 years would have their sentences reduced by 4 months for every 1 year served, and all persons serving sentences of 10 years or more would have their sentences reduced by 2 months for every 1 year served in honor of the 25th anniversary of independence.

In June 2001, human rights attorney Aref Mohamed Aref was readmitted to the bar but had not argued a case by year's end. He and his colleague, Djama Amareh Meidal, had been disbarred for alleged irregularities in their representation of a client in a 1994 commercial dispute. Meidal remained disbarred at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government did not respect these prohibitions in practice. The law requires that the authorities obtain a warrant before conducting searches on private property; however, in practice the Government did not always obtain warrants before conducting such searches, and it reportedly monitored and sometimes disrupted the communications of some Government opponents.

The Government prevented access in country to certain Internet websites during the year (see Section 2.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. The law prohibits the dissemination of false information and regulates the publication of newspapers. The Constitution prohibits slander.

The Government owned the principal newspaper, La Nation, which published biweekly. There were several opposition-run weekly and monthly publications that circulated freely and openly criticized the Government.

In 2000 the Government banned the importation and sale of the Somaliland newspapers Jamhuuriya and The Republican, and the ban remained in effect at year's end.

The Government also owned the radio and television stations. The official media generally were uncritical of government leaders and government policy. In 2000 the British Broadcasting Corporation (BBC) began broadcasting its World Service in the country in conjunction with Radio-Television Djibouti (RTD), the official government station. The BBC and RTD broadcast 24 hours a day in four languages on the radio. Radio France Internationale also broadcasts in the country. During the year, the Government signed a contract with the International Broadcasting Board to begin both short and medium wave Voice of America broadcasts into the country.

The country had one government-owned Internet service provider. The Government prevented access to several opposition and human rights websites based in Europe throughout the year.

The Government generally did not restrict academic freedom. In general teachers could speak and conduct research without restriction, provided that they did not violate sedition laws.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The Ministry of Interior requires permits for peaceful assembly and monitors opposition activities. While permits generally were approved, the Government commonly used a show of police force and threatening tactics to intimidate and discourage potential demonstrators. Some opposition leaders effectively practiced self-censorship, and refrained from organizing popular demonstrations, rather than provoke a government crackdown.

On April 3, police forces used tear gas and clubs to disperse 60 students of the Balbara district of Djibouti City who were protesting their exclusion from graduate exams. Eleven students were confined without charge for 7 days before release (see Section 1.d.).

On April 18, members of the Presidential Guard under the command of Captain Mohamed Djama fired on unarmed, disabled, military pensioners demonstrating in front of the Presidential Palace, killing one person and wounding two others. The demobilized veterans were protesting the possible loss of disability pension benefits. Security forces claim that the protestors were hostile and attempted to rush the palace; witnesses report that the threat appeared minimal. Several demonstrators were arrested, charged, and detained for several days before the Government released them in conjunction with a new pension agreement.

On June 17, police used tear gas and clubs to disperse demonstrators discontented with the guilty verdict and prison sentences in the trial of Yacin Yaleh Galab and his twelve codefendants for an attempted coup (see Section 1.e.).

There was no action taken against members of the security forces responsible for the following actions in 2001: The January police use of tear gas and clubs to disperse a group of striking union workers; the May police use of tear gas to disperse a gathering of workers celebrating May Day; the October police use of tear gas to disperse an unruly demonstration by 800 high school students.

The Constitution provides for freedom of association provided that certain legal requirements were met; however, the Government restricted this right in practice. The Constitution does not limit the number of political parties, and on September 4, the Government announced the annulment of a 1993 referendum, limiting the number of political parties to four.

Nonpolitical associations must register and be approved by the Ministry of Interior (MOI). The LDDH said that the Ministry had registered it. In February the MOI reportedly refused the registration request of the Baha'i community (see Section 2.c.).

c. Freedom of Religion

The Constitution, while declaring Islam to be the state religion, provides for freedom of religion, and the Government generally respected this right in practice; however, proselytizing was discouraged. Although Islam is the state religion, the Government imposed no sanctions on those who choose to ignore Islamic teachings, or practice other faiths. More than 99 percent of the population was Sunni Muslim.

The Government required that religious groups be registered. In February the MOI refused the registration request of the Baha'i community, according to Baha'i leaders.

There was no legal prohibition against proselytizing; however, proselytizing was discouraged. Unlike in the previous years, there were no reports that members of the Baha'i Faith were detained and questioned by the police for possible proselytizing activities.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government at times limited these rights in practice. For example, a judge may order a passport seized for those under judicial surveillance or awaiting trial. There were no reports of government passport seizures during the year.

In August 2001, airport police prevented PRD president DAF from boarding a despite his having received permission from the court to depart. It was unclear why DAF was refused permission to leave; however, Mr. Farah subsequently was allowed to travel to Lebanon in October 2001 and to the United States during the year.

Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord. Landmines laid in Tadjoura and Obock districts restricted freedom of movement (see Section 1.a.).

Women were not permitted to travel without the permission of an adult male relative (see Section 5).

In April 2001, following a commercial dispute, the Government closed its border with Somaliland, including land, sea, and air routes, as well as all telecommunications; however, the border reopened in March.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government offered first asylum; however, the government committee responsible for determining refugees' status has not met since 1995. The Government officially did not recognize those refugees under the protection of the U.N. High Commission for Refugees (UNHCR); however, the refugees were permitted to remain in the country.

The country hosted up to 100,000 refugees and illegal immigrants from neighboring countries, equal to approximately one-fifth of the population. The UNHCR assisted more than 21,000 Somali and Ethiopian residents of the two remaining refugee camps. Approximately 2,500 Ethiopian and Somali urban refugees were registered with the UNHCR office in Djibouti City. During the year, the UNHCR repatriated more than 1,800 Somaliland refugees who had fled to the country during the Somaliland civil war.

In 2000 the UNHCR repatriated more than 1,700 Ethiopian refugees who had fled to the country in 1984-85 and ceased to register Ethiopians as refugees. In previous years, the Djiboutian National Office for the Assistance of Refugees and Displaced Persons reported that it deported up to a thousand Ethiopians each week. Although the number of deportations still was believed to be high, no figures were available during the year.

There were reports that members of the security forces sometimes compelled illegal immigrants to work for them under threat of deportation (see Sections 5 and 6.c.).

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government, and citizens exercised this right through a generally democratic process in presidential elections held in 1999.

The RPP candidate Ismael Omar Guelleh, the designated successor of former President Hassan Gouled Aptidon, won the 1999 election with 74 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the vote. Although Moussa Ahmed Idriss and the ODU challenged the results, alleging election "irregularities" and asserting that "foreigners" voted in various districts of the capital, international and domestic observers considered the election to be generally fair and transparent, citing only minor irregularities. All 5 of the districts were visited by at least 1 of the 22 international observers on election day. Observers representing the Arab League, the International Organization of Francophone States (La Francophonie), and the OAU issued a joint communique that expressed satisfaction with the transparency of the election but cited minor technical problems. Representatives of both candidates were present in virtually all voting stations, and there was no ethnic strife among Afars, Yemenis, and Somalis. Large numbers of persons of all communities supported both candidates.

The RPP, which has been in power since independence in 1977, continued to rule the country. The RPP also continued to control carefully the political system to suppress any organized opposition. In 1997 the ruling party coalition that includes the FRUD party won all 65 seats in legislative elections, which took place without international observers and amid opposition claims of massive fraud. In 2000 the Government and the faction of the FRUD that had rejected the 1994 peace accord signed a new peace accord, ending FRUD opposition to the Government. On May 12, the two sides signed the final peace treaty, officially ending the more than decade-long civil war, and laying the groundwork for this faction to participate in the Government.

Two other legal political parties have existed since 1992, the National Democratic Party (NDP) and the Party for Democratic Renewal (PRD); neither held a parliamentary seat or a cabinet level post. Previous efforts by both the legal and unrecognized opposition parties to unify floundered due to disagreements among their leaders over whom should lead a unified opposition.

Government harassment of opposition leaders decreased during the year, and there were no reported incidents. In September 2001, the Government proposed an amnesty bill for five former RPP leaders, paving the way for their return to politics. In May the National Assembly approved the amnesty bill.

Women generally have been excluded from senior positions in government and in the political parties even though they legally were entitled to participate in the political process. No women served in the legislature. In 1999 the President announced the appointment of the first female minister to his cabinet. Hawa Ahmed Youssouf served as Minister of State for the Promotion of Women's, Family, and Social Affairs, and reports to the Prime Minister. Khadija Abeba, President of the Supreme Court, was the highest-ranking female official and, according to the Constitution, would become interim President should that position become vacant.

The President's subclan, the Issa Mamassans, wielded disproportionate power in affairs of state. Afars hold a number of senior Ministerial posts; however, they were not well represented at lower levels. Somali clans other than the Issa and citizens of Yemeni origin were limited unofficially to one ministerial post each. There also were informal limits on the number of seats for each group in the Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not support the formation of local human rights groups. The Union of Djiboutian Women (UNFD) and the Djiboutian Association for the Promotion of the Family (ADEPF) promote the rights of women and children. The Committee in Support of Political Prisoners (CSPP) was formed in February 1998. The Committee's goal was to publicize the plight of political prisoners and mobilize support for the improvement of prison conditions and for the release of political prisoners. The LDDH operated without government interference during the year.

The ICRC maintained a small office that was staffed with locally hired personnel. The ICRC regional representative, who was based in Nairobi, made quarterly visits.

In 2000 the Government permitted a visit by a delegation of the Organization of African Unity (OAU) Human Rights Committee for the first time. The delegation met with senior government officials and had free access to prisons and human rights groups.

There was a government ombudsman, whose specific responsibilities were not well known. In 2000 the Government promulgated a new law on judicial organization, which included the creation of a national human rights committee, and in August the government-sponsored Human Rights Committee for the Promotion and Protection of Human Rights was established.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of language, race, or sex; however, discrimination against women and ethnic minorities persists. In particular the Government's enforcement of laws to protect women and children was ineffective.

Women

Domestic violence against women existed but few cases were reported. Violence against women normally was dealt with within the family or clan structure rather than in the courts. The police rarely intervened in domestic violence incidents, and the media reported only the most extreme examples, such as murder. The Government remained concerned about the problem of rape, and the law includes sentences of up to 20 years' imprisonment for rapists. The number of such cases prosecuted during the year was unknown.

It was believed that as many as 98 percent of females have undergone FGM. FGM traditionally was performed on girls between the ages of 7 and 10. In 1988 the Union of Djiboutian Women (UNFD) began an educational campaign against infibulation, the most extensive and dangerous form of FGM. The campaign has had only a limited impact on the prevalence of this custom, particularly in rural areas, where it was pervasive. After the 1995 U.N. Women's Conference in Cairo, Egypt, the UNFD declared that all forms of mutilation should be forbidden. The law states that "violence causing genital mutilation" is punishable by 5 years' imprisonment and a fine of more than \$5,650 (1 million DF); however, the Government has not yet convicted anyone under this statute. The efforts of the UNFD and other groups appeared to be having some effect, at least in the capital city. In 1997 some health workers reported a precipitous drop in the number of hospitalizations related to FGM in Djibouti City. Many

believed that the incidence of infibulation has decreased, although no systematic data were available on the problem. U.N. and other experts believed that lesser forms of FGM still were practiced widely and that infibulation still was common in rural areas.

Women legally possessed full civil rights, but custom and traditional societal discrimination in education dictate that they play a secondary role in public life and have fewer employment opportunities than men. Few women worked in managerial and professional positions; women largely were confined to trade and secretarial fields. Customary law, which is based on Shari'a, discriminates against women in such areas as inheritance, divorce, and travel (see Sections 2.c. and 2.d.). Male children inherited larger percentages of an estate than do female children. The few women who were educated increasingly turn to the regular courts to defend their interests.

Children

The Government devoted almost no public funds to the advancement of children's rights and welfare. A few charitable organizations worked with children. Primary education was compulsory; however, the Government did not monitor compliance. The Government provided free public education; however, there were extra expenses that could be prohibitive to poorer families, such as transportation, book fees, and chalk. Many schools were in poor condition and needed upgrading. Teacher salaries were paid only sporadically, and a large percentage of highly qualified teachers have left the profession. The number of classrooms for secondary students was inadequate, and only approximately 20 percent of children who started secondary school completed their education. Only 32 percent of girls were literate compared with 60 percent of boys, and more than 53 percent of the total population was illiterate. Only 62 percent of girls attend primary school compared with 73 percent of boys, and only 23 percent of girls attend secondary school compared with 33 percent of boys. In 1999 the Government reaffirmed its 1998 commitment to increase the number of female students in the educational system to 50 percent; however, there was no change in the number of female students or the literacy rate by year's end.

Child abuse existed; however, except for FGM, it was not believed to be common.

FGM was performed on as many as 98 percent of young girls (see Section 5, Women).

The Government has not addressed child abuse, which often was punished lightly; for example, when a child was raped or abused, the perpetrator usually was fined an amount sufficient to cover the child's medical care. The Government has not used applicable existing provisions of the law to deal with child abuse more severely.

Persons with Disabilities

The Government did not mandate accessibility to buildings or government services for persons with disabilities. Although persons with disabilities have access to education and public health facilities, there was no specific law that addressed the needs of persons with disabilities, and there were no laws or regulations that prevent job discrimination against persons with disabilities. Persons with disabilities had difficulty finding employment in an economy where at least 60 percent of the able-bodied adult male population was underemployed or jobless.

On April 18, government security forces fired on a group of demobilized military veterans with disabilities protesting benefits payments in front of the Presidential palace, killing one and wounding two (see Sections 1.a. and 2.b.).

National/Racial/Ethnic Minorities

The Government continued to discriminate against citizens on the basis of ethnicity in employment and job advancement. Somali Issas were the majority ethnic group and controlled the ruling party, the civil and security services, and the military forces. Discrimination based on ethnicity and clan affiliation limited the role of members of minority groups and clans, particularly the Afar minority ethnic group, in government and politics.

The Government conducted periodic roundups of undocumented foreigners, which usually targeted Ethiopians and noncitizen Somalis. There were credible reports that security forces frequently use these undocumented foreigners as forced labor on public works projects as well as for their own needs (see Sections 2.d. and 6.c.). There was no known action taken against members of the security forces responsible for raping, beating, or stealing from the approximately 5,000 undocumented foreigners (mostly Ethiopians) arrested and detained in December 2000 (see Sections 1.a., 1.d., and 2.d.). The Government blamed undocumented foreigners for the country's economy, unemployment rate, and rising crime.

Section 6 Worker Rights

a. The Right of Association

Under the Constitution, workers were free to join unions and to strike provided that they comply with legally prescribed requirements; however, the Government restricted these rights. In 1999 the Government took control of the two largest labor federations, the General Union of Djiboutian Workers (UGTD) and the Union of Djiboutian Workers (UDT). Police broke into UDT offices and confiscated banners and the public address system that were to have been used in Labor Day ceremonies, and the Government dictated the election of its supporters to head the UDT and UGTD and took possession of union offices. The International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU) criticized the Government's actions. In 1999 the ILO reported that the situation of the country's unions had "gravely deteriorated." In response to ILO and ICFTU criticisms, the Government agreed to hold new elections. On September 22, the UDT held an independent congress. Adan Abdou was elected Secretary General and Ahmed Djama was elected President. The Congress was attended and endorsed by the CISL (Confédération Internationale pour les Syndicalistes Libre); however, on October 22, with official encouragement the government-sponsored UDT held a congress at which Said Mahamoud was elected president.

The ILO rejected the credentials of government officials claiming to represent the UDT and UGTD at several international conferences. The ILO refused admittance to its June conference to representatives of the government-sponsored UDT. No other union representatives attended.

Prior to the Government takeover, approximately 70 percent of workers in the small formal economy were members of the UDT or UGTD; however, since the takeover, there have been almost no independent union activities. The Government repeatedly promised to improve the situation; however, certain members of the Government continued efforts to maintain some semblance of legitimacy for their government-sponsored unions. The Djiboutian Labor Congress (CIDJITRA), composed of Ministry of Labor officials, created by the Government to counter the UDT and UGTD, no longer existed. According to the ICFTU, "trade union freedoms now exist only on paper," and the Government "has created a collective of grassroots trade unions, whose affiliates do not include one single representative organization with elected officials."

In 2000 the ILO Conference Committee on the Application of Standards cited the country for its failure to address five specific issues of labor law reform outlined by the ILO.

The law prohibits antiunion discrimination, and employers found legally guilty of discrimination were required to reinstate workers fired for union activities; however, the Government did not enforce the law.

At its 2000 annual conference, the ILO urged the Government to enact the labor resolutions that it had signed in 1998. The ILO noted ongoing abuses by the Government in forbidding union meetings and preventing union officials from receiving their mail. The ILO Committee of Experts report released during the year indicated that little progress had been made and that the Government continued to deviate between national labor law and adherence to guarantees set forth in ILO conventions.

The law permits unions to maintain relations and exchanges with labor organizations abroad, and the Government does not restrict such contact. The nongovernment-controlled UDT was a member of the ICFTU.

b. The Right to Organize and Bargain Collectively

Although labor has the legal right to organize and bargain collectively, collective bargaining rarely occurred. Relations between employers and workers were informal and paternalistic. Wage rates generally were established unilaterally by employers on the basis of Ministry of Labor guidelines. In disputes over wages or health and safety problems, the Ministry of Labor encouraged direct resolution by labor representatives and employers. The Government could and did select labor representatives. The ILO Committee of Experts again cited section 6 of the Djibouti labor code, which limits trade union representatives to citizens, consequently restricting the full exercise of the right of workers to elect representatives in full freedom. The election of representatives also was influenced by the relationship between clan elders and clans with unions and workforces. Workers or employers may request formal administrative hearings before the Ministry's inspection service; however, critics claimed that the service suffered from poor enforcement, due to its low priority and inadequate funding.

The law requires representatives of employees who plan to strike to contact the Ministry of Interior 48 hours in advance. The Government paid the salaries of teachers, security forces, and civil servants sporadically throughout

the year; however, their salaries remained 3 to 9 months in arrears by year's end. During the year, there were occasional demonstrations by teachers and other civil servants protesting salary arrears. The demonstrations generally took place on Thursday mornings and peacefully dispersed after 1 or 2 hours. Kamil Hassan, a schoolteacher, who previously had been detained in 1997 as a leader of a teacher's strike, was officially reinstated in March but was still not teaching at year's end.

An export processing zone (EPZ) was established in 1994. Firms in the EPZ were exempt from the Government's social security and medical insurance programs. Employers within the EPZ have authority to pay less than minimum wage, offer less annual leave than the rest of the country, and in the EPZ the work week was longer (see Section 6.e.). Plans for the EPZ largely have failed; and it did little business and employed few persons.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, there were reports that members of the security forces sometimes compelled illegal immigrants to work for them under the threat of deportation.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits all labor by children under the age of 14, but the Government did not always enforce this prohibition effectively, and child labor, although not common, existed. A shortage of labor inspectors reduced the likelihood of investigation into reports of child labor. Children generally were not employed in hazardous work. Children may and did work in family-owned businesses, such as restaurants and small shops, at all hours of the day and night.

The country has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

Only a small minority of the population was engaged in wage employment. The Government administratively sets minimum wage rates according to occupational categories, and the Ministry of Labor was charged with enforcement. The monthly wage rate for unskilled labor, set in 1976, was approximately \$125 (22,000 DF). Most employers paid more than the minimum wage. Some workers also received housing and transportation allowances. The national minimum wage did not provide a decent standard of living for a worker and family. The Government owed 3 to 9 months' worth of salary arrears to teachers, security forces, and civil servants at year's end (see Section 6.a.).

By law the workweek was 40 hours, often spread over 6 days. Some employers asked employees to work up to 12 hours per day and paid them an additional wage. Workers were provided daily and weekly rest periods and paid annual leave. The Ministry of Labor was responsible for enforcing occupational health and safety standards, wages, and work hours. Because enforcement was ineffective, workers sometimes faced hazardous working conditions, particularly at the port. Workers rarely protested, mainly due to fear that others willing to accept the risks would replace them. There were no laws or regulations permitting workers to refuse to carry out dangerous work assignments without jeopardizing their continued employment.

Only legal foreign workers were protected under the law; undocumented workers were detained and deported.

f. Trafficking in Persons

There was no specific law prohibiting trafficking in persons; however, there were no reports of persons being trafficked to, from, or within the country.